

**Regional Tribal Operations Committee (RTOC) Meeting
U.S. EPA Region 5
June 10, 2005**

Meeting Participants

William K. Dew, EPA, IEO
Marc Slis, KBIC
Margaret Guerriero, EPA, WPTD
Monte Davis, Gun Lake Tribe
Jane Neumann, EPA, SF
David Horak, EPA, WD
Leonard Bechtel, EPA HQ's WD
Bharat Mathur, EPA, ORA
Doug Ballotti, EPA, SF
Dolly Tong, EPA, WPTD
Lisa C. Farmby, EPA, IEO

Meredith Henry, Little Traverse Bay Band
David B. Jones, Huron Potawatomi
Mark Parrish, Pokagon Band
Mike Tenenbaum, Gun Lake Tribe
John Haugland, EPA, IEO
Mary Pat Tyson, EPA, ARD
Patricia Thompson, EPA, WD
Jennifer Hill-Kelley, Oneida Nation
Bertram Frey, EPA, ORC
Jennifer Manville, EPA, IEO
Ed Fairbanks, EPA, IEO

Welcome and Introductions

Hill-Kelley, substituting for Paul Ninham, opened the meeting and welcomed the participants. Introductions were made.

RTOC Administrative Business and Updates

Dew indicated that the meeting minutes from March 3, 2005 were previously distributed to the RTOC, and were included in the information packet. No changes/additions were offered and the minutes were considered approved.

Dew reviewed the action items in the RTOC Tracking Matrix. Guerriero reported that the next step for action item #1 was to schedule individual meetings with federal agencies at the regional administrator/division director level. For action item #4, it was agreed that the RTOC would look for potential 2006 meeting sites in conjunction with the Lake Guardian's tour of Lake Superior.

STORET

Thompson provided some recent background on the discussions between EPA and the tribes on using STORET (tribes are willing to submit data to EPA, tribes will not be expected to reformat old data, and tribes will provide data that is appropriate). Thompson reported that the Water Division will allocate \$250,000 in a contract to Gold Systems, to work with 5-8 tribes over the next 2 years on forming a bridge between current data reporting and the national system. The project will start in FY'06. Funds for the contract were taken from the Clean Water Act Section 104(b)(3) funding program. RTOC members asked to see the contract language.

The RTOC discussed concerns about using the STORET system – availability of funding for running STORET, protecting sensitive data, reliance on just one contracting firm (a request was made to determine if the national contract was competed), whether STORET will be able to

accurately communicate the story of the conditions in Indian Country.

The draft national Clean Water Act Section 106 Guidance should be issued by the end of June 2005, and will include information on EPA's position on the use of data collected under Section 106 grants. An informal review process will take place in July-September 2005, and will include dialogue sessions and an opportunity to submit written comments. Headquarters will work with the Regions to facilitate input from the tribes. A formal rulemaking process will occur after this first phase. Leonard Bechtel, Office of Water in EPA Headquarters, was also present and answered some 106 questions.

Clean Water Act Section 106 Allocation

Thompson explained that in the past, tribes would submit a project pre-proposal for Section 106 funding, and Region 5 would respond back with the level of funding that the EPA could provide. In FY'05, a new process was used that began with Region 5 notifying each tribe with the level of support upfront. This approach was used because of the decrease in funds available this fiscal year. The Water Division established the funding levels based on a number of criteria: size of the reservation, critical issues (mining), past performance, Section 305(b) reporting, input from the Tribal Environmental Liaisons, Section 303 status, and past funding amounts.

Some tribes expressed concern about the criteria that was used. It was reported that other tribal sources of revenue may have been considered a factor during funding discussions. Thompson would be willing to work with the RTOC on developing funding criteria for the FY'06 awards and to ensure that the process was transparent. Hill-Kelley will take the lead for the Tribal Caucus (identify some volunteers and develop some suggestions to submit to EPA). A request was made to include tribes that do not have Section 106 eligibility yet.

EPA-Tribal Strategic Planning

Haugland provided some background on the potential for joint planning in the RTOC. The intent of this effort is to spark conversations at the national level prior to the EPA planning process. A 5-10 year perspective that focuses on environmental results would be used. The following steps were suggested to the RTOC:

1. EPA Region 5 completes its internal Indian Program Strategy and provides its' priorities to the RTOC prior to the September meeting
1. Tribal Caucus develops a set of strategic themes and shares them with EPA prior to the September meeting
2. At the September RTOC, commonalities between these documents are discussed
3. Based on the September RTOC discussion, a living "tool" would be created that would allow an opportunity to strategize on the commonalities both in Region 5 and at the national level.

Tribal Caucus members present at the meeting committed to preparing a sketch of themes prior to the September RTOC meeting. Haugland committed to develop a brief outline of the process and purpose of this planning effort and share with the RTOC.

Brownfields Program Grants Administration

Hill-Kelley stated that Oneida has recently initiated a Brownfields program. EPA Region 5 appears to manage this program differently from other programs. It would be helpful to have the roles and responsibilities of the EPA Brownfields staff outlined. There is also a need to understand the management philosophy of the program. It was suggested that staff attend the Working Effectively with Tribal Governments training and that EPA staff should make site visits to better understand the program in Indian Country. Ballotti commented that staff should take the WETG training, and indicated that a reorganization was underway in the Superfund Division that will help to consolidate roles and responsibilities. Superfund committed to provide information on the new organization to the tribe.

Tribal Pollution Prevention Mentoring Program

Tong provided background on the National Pollution Prevention Roundtable Tribal Work Group. EPA is working with the NPPR Tribal Workgroup to establish a mentoring program that will focus on the greening of tribal facilities (hospitals, schools, other facilities). Guerriero asked the RTOC to provide the following: (1) a point of contact to participate on the Work Group; (2) current tribal pollution prevention activities related to greening tribal facilities; (3) suggestions for mentoring projects. Tenenbaum agreed to serve as the point of contact. Tribes were asked to get input to him on the other two questions.

Open Forum

The RTOC agreed to switch the September RTOC meeting from Wisconsin to Minnesota in order to accommodate activities planned by the Minnesota Tribes. Wisconsin will host the June 2006 meeting. The next RTOC meeting will be held on September 22, 2005, and will be hosted by the tribes in Minnesota in Red Lake.

Tenenbaum raised the issue of limited federal response to the emerald ash borer. EPA agreed to identify any connections to the federal environmental programs and raise the issue at other federal agency forums (MOU Work Group, Midwest Natural Resource Managers, etc.).

The RTOC discussed the agenda setting process for the meetings. Currently, the RTOC is asked for proposed agenda items and a draft agenda is developed by the Indian Environmental Office. The draft agenda is distributed to RTOC members (Caucus and EPA management) and a copy is sent to *EPA.Tribalstaff* prior to the meeting for review. Mathur stated that he would like to see discussion and decision at meetings. Agenda suggestions should be proposed to IEO through RTOC members and should be accompanied by a short description and expected outcome. He is looking for the Tribal Caucus to work with the Agency to resolve issues placed on the agenda prior to the meeting so that decisions can be made.

Next Meeting

The next meeting of the RTOC is scheduled for September 22, 2005, and will be hosted by the tribes in Minnesota.